

IN THE SENATE

SENATE BILL NO. 1108, As Amended

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO EMERGENCY MEDICAL SERVICES; AMENDING SECTION 56-1011, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES; AMENDING SECTION 56-1012, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES, TO REMOVE DEFINITIONS, TO REVISE DEFINITIONS, TO DEFINE NEW TERMS AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 56-1013, IDAHO CODE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1013A, IDAHO CODE, TO CORRECT REFERENCE TO THE BOARD OF HEALTH AND WELFARE, TO PROVIDE FOR CONTINUOUS APPROPRIATION OF INITIAL APPLICATION FEE, TO PROVIDE A CORRECT CODE REFERENCE, TO REVISE TERMINOLOGY AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 56-1014, IDAHO CODE, TO REVISE DUTIES, TO PROVIDE CORRECT CODE REFERENCES AND TO REVISE TERMINOLOGY; AMENDING SECTION 56-1015, IDAHO CODE, TO PROVIDE CORRECT CODE REFERENCES AND TO REVISE TERMINOLOGY; AMENDING SECTION 56-1016, IDAHO CODE, TO REVISE TERMINOLOGY, TO PROVIDE STANDARDS FOR AIR MEDICAL SERVICE, TO REVISE AGENCY MINIMUM STANDARDS, TO PROVIDE FOR NONTRANSPORT SERVICE MINIMUM STANDARDS WAIVER, TO REQUIRE APPLICANTS TO SUBMIT CERTAIN INFORMATION AND AGREE TO MEET CERTAIN REQUIREMENTS, TO PROVIDE THAT THE EMS BUREAU PROVIDE CERTAIN NOTICE TO CERTAIN ENTITIES, TO PROVIDE CERTAIN LIMITATIONS ON THE USE OF CERTAIN DATA, TO PROVIDE FOR LICENSE DENIAL APPEAL AND TO MAKE TECHNICAL CORRECTIONS; AMENDING CHAPTER 10, TITLE 56, IDAHO CODE, BY THE ADDITION OF NEW SECTIONS 56-1020, 56-1021 AND 56-1022, IDAHO CODE, TO PROVIDE PENALTIES FOR PERSONNEL LICENSE VIOLATIONS, TO PROVIDE PENALTIES FOR AGENCY LICENSE VIOLATIONS, TO PROVIDE FOR PERSONNEL AND AGENCY LICENSURE ACTION, TO PROVIDE GROUNDS AND TO PROVIDE PROCEDURE; AMENDING SECTION 56-1017, IDAHO CODE, TO REDESIGNATE THE SECTION, TO REVISE BOARD RULEMAKING AUTHORITY, TO REVISE EMS BUREAU GUIDELINE RESPONSIBILITY, TO PROVIDE A CORRECT CODE REFERENCE AND TO REVISE TERMINOLOGY.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-1011, Idaho Code, be, and the same is hereby amended to read as follows:

56-1011. EMERGENCY MEDICAL SERVICES – STATEMENT OF INTENT. It is the purpose of the legislature of the state of Idaho in the adoption of sections 56-1011 through 56-1018B23, Idaho Code, to recognize the importance of the delivery of emergency medical

services and to provide reasonable regulation of the same. For this purpose, the provisions of section 54-1803, Idaho Code, shall not be so construed as to prohibit or penalize emergency medical services rendered by a person authorized to render emergency medical services by sections 56-1011 through 56-1018B23, Idaho Code, if such emergency medical service is rendered under the responsible supervision and control of a licensed physician.

SECTION 2. That Section 56-1012, Idaho Code, be, and the same is hereby amended to read as follows:

56-1012. DEFINITIONS. As used in sections 56-1011 through 56-1018B23, Idaho Code:

(1) "Advanced emergency medical technician" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(2) "Agency" means any organization licensed by the EMS bureau that operates an air medical service, ambulance service or nontransport service.

(3) "Air ambulance" means any privately or publicly owned fixed wing aircraft or rotary wing aircraft used for, or intended to be used for, the transportation of persons experiencing physiological or psychological illness or injury who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011 through 56-1023, Idaho Code, and specifications established by board rule.

(4) "Air medical service" means an agency licensed by the EMS bureau that responds to requests for patient care and transportation from hospitals and EMS agencies using a fixed wing aircraft or rotary wing aircraft.

(5) "Ambulance" means any privately or publicly owned ~~ground motor vehicle, or nautical vessel, fixed wing aircraft or rotary wing aircraft~~ used for, or intended to be used for, the transportation of sick or injured persons who may need medical attention during transport. This may include dual or multipurpose vehicles which otherwise comply with sections 56-1011 through 56-1018B23, Idaho Code, and specifications established by ~~the board of health and welfare~~ rule.

(6) "Ambulance service" means an agency licensed by the EMS bureau operated with the intent to provide personnel and equipment for medical treatment at an emergency scene, during transportation or during transfer of persons experiencing physiological or psychological illness or injury who may need medical attention during transport.

(7) "Applicant" means any organization that is requesting an agency license under this chapter and includes the following:

(a) An organization seeking a new license;

(b) An existing agency that intends to change the level of licensed personnel it utilizes;

(c) An existing agency that intends to change its geographic coverage area, except by agency annexation;

(d) An existing nontransport service that intends to provide ambulance service;

(e) An existing ambulance service that intends to discontinue transport and become a nontransport service.

(28) "Board of Health and Welfare" means the Idaho board of health and welfare.

~~(3) "Certified Personnel" means individuals who have completed training and successfully passed examinations for training and skills proficiency in one (1) or several levels as certified by the department of health and welfare. These several levels of certified personnel shall include:~~

~~(a) FR—"First Responder" (hereafter FR) means an individual certified by the EMS bureau of the Idaho department of health and welfare as an FR on the basis of successful completion of an FR course approved by the board of health and welfare and subsequent required continuing training.~~

~~(b) EMT B—"Emergency Medical Technician Basic" (hereafter EMT B) means an individual certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of an EMT B course approved by the board of health and welfare and subsequent required continuing training.~~

~~(c) "Ambulance Rating" means a certification issued by the EMS bureau of the Idaho department of health and welfare to an EMT B on the basis of successful completion of supervised infield ambulance experience as defined by the board of health and welfare.~~

~~(d) "Advanced Emergency Medical Technician Ambulance" (hereafter advanced EMT A) means a person who:~~

~~(i) Is certified by the EMS bureau of the Idaho department of health and welfare on the basis of successful completion of EMT A training and in addition, has completed advanced training in such techniques as intravenous fluid therapy, airway management, and subsequent required continued training; and~~

~~(ii) Has received additional training under the supervision of a licensed physician:~~

~~(A) To administer drugs under written or oral authorization of a licensed physician; and~~

~~(B) To perform such other acts under written or oral authorization of a licensed physician as shall be defined by the commission; and~~

~~(iii) Has been examined and certified as an advanced EMT A by an authorized representative of the department.~~

~~(e) "Emergency Medical Technician Intermediate" (hereafter EMT I) means a person who:~~

~~(i) Has completed all the requirements for certification as an EMT I; and~~

~~(ii) Has successfully completed a course in patient care including the required training under the supervision of a licensed physician covering the scope of practice defined by the commission; and~~

~~(iii) Has been examined and certified as an EMT I by an authorized representative of the department.~~

~~(f) "Emergency Medical Technician Paramedic" (hereafter EMT P) means a person who:~~

~~(i) Has completed all the requirements for certification as an EMT P; and~~

~~(ii) Has successfully completed a course in intensive patient care including the required training under the supervision of a licensed physician, including training in cardiac defibrillation, cardiac monitoring, endotracheal intubation and drug administration; and~~

~~(iii) Has been examined and certified as an EMT P by an authorized representative of the department.~~

~~(49) "Commission" means the Idaho emergency medical services physician commission.~~

~~(510) "Department" means the Idaho department of health and welfare.~~

(11) "Emergency medical responder" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

~~(612)~~ "Emergency M~~e~~medical S~~e~~services" or "EMS" means the ~~services~~ system utilized in responding to a perceived individual need for immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury.

(13) "EMS bureau" means the bureau of emergency medical services of the department.

(14) "Emergency medical technician" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

(15) "Licensed personnel" means those individuals who are emergency medical responders, emergency medical technicians, advanced emergency medical technicians and paramedics.

(16) "National emergency medical services information system technical assistance center" means an organization that validates software for compliance with the EMS data set defined by the United States department of transportation national highway traffic safety administration.

~~(717) "Non Transport SNontransport service" means an service agency licensed by the department of health and welfare, EMS bureau, operated with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended to be the service that will actually transport sick or injured persons.~~

~~(818) "Non Transport VNontransport vehicle" means any vehicle licensed by the department of health and welfare, EMS bureau, operated by an agency with the intent to provide personnel or equipment for medical stabilization at an emergency scene, but not intended as the vehicle that will actually transport sick or injured persons.~~

(19) "Paramedic" means a person who has met the qualifications for licensure as set forth in sections 56-1011 through 56-1023, Idaho Code, is licensed by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, carries out the practice of emergency care within the scope of practice determined by the commission and practices under the supervision of an Idaho licensed physician.

~~(920)~~ "Supervision" means the medical direction by a licensed physician of activities provided by ~~certified~~ licensed personnel affiliated with a licensed ambulance, air medical or ~~non-transport nontransport~~ service, including, but not limited to: establishing standing orders and protocols, reviewing performance of ~~certified~~ licensed personnel, providing instructions for patient care via radio or telephone, and other oversight.

~~(210)~~ "Transfer" means the transportation of a patient from one (1) medical care facility to another.

SECTION 3. That Section 56-1013, Idaho Code, be, and the same is hereby amended to read as follows:

56-1013. AUTHORIZED ACTIONS. Persons ~~certified~~ licensed by the ~~department~~ EMS bureau shall be authorized to perform such acts under written or oral authorization of a licensed

physician as shall be established by rules of the commission, including, but not limited to, administration of intravenous solutions and drugs, cardiac defibrillation, airway management, endotracheal intubation, and other patient care.

SECTION 4. That Section 56-1013A, Idaho Code, be, and the same is hereby amended to read as follows:

56-1013A. IDAHO EMERGENCY MEDICAL SERVICES PHYSICIAN COMMISSION – TERMS AND OPERATION. (1) There is hereby created in the department ~~of health and welfare~~ an Idaho emergency medical services physician commission for the purpose of establishing standards for scope of practice and medical supervision for certified licensed personnel, ~~ambulance services~~, and ~~nontransport~~ agencies licensed by the ~~department~~ EMS bureau, and for making disciplinary action recommendations to the ~~department~~ EMS bureau against certified licensed personnel. Notwithstanding any other provision of law to the contrary, the commission shall exercise its powers and duties in accordance with the provisions of sections 56-1011 through 56-1018B23, Idaho Code, relative to scope of practice and medical supervision of certified licensed personnel.

(2) The commission shall be composed of eleven (11) voting members appointed by the governor upon assurance of equitable geographic and rural representation. Six (6) members shall be physicians currently licensed in Idaho and appointed as follows: one (1) member representing the Idaho board of medicine as provided in chapter 18, title 54, Idaho Code, one (1) member representing the Idaho medical association, one (1) member representing the ~~emergency medical services (EMS) bureau of the department~~, one (1) member representing the Idaho chapter of the American college of emergency physicians, one (1) member representing the Idaho chapter of the American academy of pediatrics and one (1) member representing the Idaho chapter of the American college of surgeons committee on trauma. Three (3) members shall be physicians currently licensed in Idaho and practicing as an EMS medical director representing the following associations: one (1) member representing the Idaho association of counties, one (1) member representing the Idaho fire chiefs association and one (1) member representing the Idaho hospital association. Two (2) members shall be Idaho citizens representing the public interest.

(3) Except as provided in this subsection, members of the commission shall be appointed for a term of three (3) years. The following four (4) members shall be appointed to an initial term of two (2) years: the member representing the board of medicine, the member representing the Idaho chapter of the American college of emergency physicians, the member representing the Idaho chapter of the American college of surgeons committee on trauma and the member representing the Idaho fire chiefs association. The remaining seven (7) members shall be appointed for an initial term of three (3) years. Thereafter, all terms shall be for a period of three (3) years.

(4) The commission shall elect a chair and such officers as it may deem necessary and appropriate. The commission shall meet at least annually and at the call of the chair. Members of the commission shall be compensated as provided in section 59-509(b), Idaho Code.

(5) Prior to the expiration of the regular term of a member of the commission or upon the occurrence or declaration of a vacancy in the membership of the commission, the ~~department~~ EMS bureau shall notify the represented entity of that fact in writing and the represented entity shall, within sixty (60) days thereafter, nominate at least three (3) persons to fill the vacancy in a manner as shall be determined by the rules and bylaws of the represented

entity and shall forward the nominations to the governor, who shall appoint from among the nominees a person to be a member of the commission to fill the vacancy. Persons nominated for a seat held by a physician must be licensed by the state of Idaho to practice medicine.

(6) Moneys collected pursuant to rules promulgated by the ~~department~~ board for initial applications and renewal of EMS certifications personnel licenses are hereby continuously appropriated and shall be utilized exclusively for the purposes set forth in this section as determined by the commission.

(7) The commission shall prepare a budget on an annual basis indicating that portion of the funds necessary for the continuous operation of the commission to achieve the purposes of this section.

SECTION 5. That Section 56-1014, Idaho Code, be, and the same is hereby amended to read as follows:

56-1014. LIABILITY. No act or omission of any person who is duly ~~certified~~ licensed under sections 56-1011 through 56-1018B23, Idaho Code, by the ~~department of health and welfare~~ EMS bureau done or omitted in good faith while rendering emergency medical services to a person or persons who are perceived to need immediate care in order to prevent loss of life or aggravation of physiological or psychological illness or injury shall impose any liability upon those personnel, the supervising physician, the hospital, the organization providing the service, or upon a federal, state, county, city or other local governmental unit, or upon employees of such governmental unit, unless such provider of care or such personnel be shown to have caused injury and damages to such person or persons as a proximate result of his, her or their reckless or grossly negligent misconduct, which shall be the sole grounds for civil liability of such persons in the provision of care or assistance under sections 56-1011 through 56-1018B23, Idaho Code, regardless of the circumstance under which such care or assistance may be provided. This section shall not relieve the organization or agency operating the service from the duty of securing, maintaining and operating, the equipment and licensure designated for use in performing the emergency medical services.

SECTION 6. That Section 56-1015, Idaho Code, be, and the same is hereby amended to read as follows:

56-1015. FAILURE TO OBTAIN CONSENT. No person ~~certified~~ licensed under sections 56-1011 through 56-1018B23, Idaho Code, or physician or hospital licensed in this state shall be subject to civil liability, based solely upon failure to obtain consent in rendering emergency medical, surgical, hospital or health services to any individual regardless of age where that individual is unable to give this consent for any reason and there is no other person reasonably available who is legally authorized to consent to the providing of such care, provided, however, that such person, physician, or hospital has acted in good faith and without knowledge of facts negating consent. The provision or refusal of consent under sections 56-1011 through 56-1018B23, Idaho Code, shall be governed by chapter 45, title 39, Idaho Code.

SECTION 7. That Section 56-1016, Idaho Code, be, and the same is hereby amended to read as follows:

56-1016. AMBULANCE AGENCY MINIMUM STANDARDS. Each ambulance service, air medical service and ~~non-transport~~ nontransport service shall be licensed by the ~~department~~ EMS bureau based on the level of licensed personnel it utilizes, transport capability and self-declared geographic coverage area and shall meet the following standards:

(1) ~~Ambulance vehicles~~ – Each new ambulance vehicle purchased after the effective date of these standards shall conform to the ambulance vehicle specifications for that type established by the board of health and welfare. The patient compartment of each ambulance vehicle shall be maintained in a clean and sanitary condition.

(2) ~~Ambulance equipment~~ – Each ambulance shall be equipped with the patient care items deemed essential for that type of ambulance by the board of health and welfare.

(3) ~~Ambulance personnel~~ during transport or transfer – There shall be at least two (2) ambulance crew members on each patient transport or transfer, with the crew member delivering patient care being, at a minimum, a ~~state-certified~~ licensed emergency medical technician (EMT), except that with the patient's and the patient's physician's permission, an EMT attendant shall not be required on routine, nonemergency transfer calls.

(4) ~~Ambulance dispatch~~ – Each ~~ambulance service~~ licensed EMS agency shall have a twenty-four (24) hour dispatch arrangement and shall respond to calls on a twenty-four (24) hour basis.

(5) ~~Ambulance Agency~~ inspections and licensing – The ~~department of health and welfare~~, EMS bureau, shall conduct inspections at least annually related to ~~ambulance service agency~~ agency licensing or shall contract to have the inspections carried out. Each ~~ambulance and non-transport vehicle agency~~ agency shall have a current state license in order to operate.

(6) ~~Ambulance service~~ minimum standards waiver – The controlling authority providing ambulance services may petition the board of health and welfare for waiver of the ambulance standards of sections ~~56-1011 through 56-1018B~~, 56-1016(2), Idaho Code, if compliance with these standards would cause undue hardship on the community being served, or would result in abandonment of ambulance services.

(7) Nontransport service minimum standards waiver – The controlling authority providing nontransport services may petition the EMS bureau for waiver of the twenty-four (24) hour response requirement of this section if the petition demonstrates that the community, setting, industrial site or event is not populated on a twenty-four (24) hour basis or does not exist on a three hundred sixty-five (365) day per year basis or if compliance with these standards would cause undue hardship on the community being served, or would result in abandonment of nontransport services.

(8) Supervision – A licensed physician shall supervise the medical activities provided by ~~certified~~ licensed personnel affiliated with the licensed ~~ambulance or non-transport service agency~~ agency including, but not limited to: establishing standing orders and protocols, reviewing performance of ~~certified~~ licensed personnel, approving methods for ~~certified~~ licensed personnel to receive instructions for patient care via radio, telephone, or in person, and other oversight as provided in the rules of the commission.

(9) Applicants must submit the following information with their applications and agree to meet the following requirements as a condition of licensure:

(a) A declaration of anticipated applicant agency costs and revenues; a statement of projected changes in response time; and a narrative describing projected clinical benefits to patients resulting from licensure using methods defined in board rules concerning such matters on an application provided by the EMS bureau; and

(b) Collect and report data to the EMS bureau upon receiving a license using a data collection system that is validated as compliant by the national emergency medical services information system technical assistance center in accordance with board rules.

(8) The EMS bureau will provide notice of any such application to all cities, counties and other units of local government that have any geographic coverage area in common with the applicant in accordance with board rules. Such notice will include a summary of the applicant data supplied to the EMS bureau. Any other EMS bureau use of the cost and revenue data supplied by applicants is limited exclusively to informational purposes.

(9) Appeal of a denial of an applicant's license will be governed by IDAPA 16.05.03, rules governing contested case proceedings and declaratory rulings.

SECTION 8. That Chapter 10, Title 56, Idaho Code, be, and the same is hereby amended by the addition thereto of NEW SECTIONS, to be known and designated as Sections 56-1020, 56-1021 and 56-1022, Idaho Code, and to read as follows:

56-1020. PENALTIES FOR PERSONNEL LICENSE VIOLATIONS. Any person who practices or attempts to practice EMS as a licensed provider of emergency care as provided for in sections 56-1011 through 56-1023, Idaho Code, without having at the time of so doing a valid, unexpired, unrestricted, unrevoked and unsuspended license issued by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, shall be guilty of a misdemeanor and shall be subject to a fine of not more than five hundred dollars (\$500) or imprisonment for not more than six (6) months, or both, for each violation. In the event that the prosecuting attorney in the county where the alleged violation occurred fails or refuses to act within sixty (60) days of notification of the alleged violation, the attorney general is authorized to prosecute the alleged violation.

56-1021. PENALTIES FOR AGENCY LICENSE VIOLATIONS. Any person establishing, conducting, managing or operating any agency as provided for in sections 56-1011 through 56-1023, Idaho Code, without a license issued by the EMS bureau under sections 56-1011 through 56-1023, Idaho Code, shall be guilty of a misdemeanor and shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment for not more than six (6) months, or both. Each day of continuing violation shall constitute a separate offense. In the event that the prosecuting attorney in the county where the alleged violation occurred fails or refuses to act within sixty (60) days of notification of the alleged violation, the attorney general is authorized to prosecute the alleged violation.

56-1022. PERSONNEL AND AGENCIES LICENSURE ACTIONS – GROUNDS – PROCEDURE. (1) Subject to the provisions of chapter 52, title 67, Idaho Code, the EMS bureau, upon recommendation of the commission, may deny a license or refuse to renew a license for a person, or may suspend or revoke a license or may impose probationary conditions if the holder of a license or the applicant for a license has engaged in unprofessional conduct which has endangered or is likely to endanger the health, welfare or safety of the public. Such unprofessional conduct includes, but is not limited to:

(a) Obtaining a license by means of fraud, misrepresentation or concealment of a material fact;

(b) Being found guilty of unprofessional conduct as defined by rule established by the board;

(c) Being convicted of a crime which would have a direct and adverse bearing on the licensee's ability to practice or perform emergency medical care competently;

(d) The unauthorized practice of medicine;

(e) Violating any provisions of sections 56-1011 through 56-1023, Idaho Code, or any of the rules established by the board or the commission thereunder; or

(f) Being found mentally incompetent by a court of competent jurisdiction.

(2) Subject to the provisions of chapter 52, title 67, Idaho Code, the EMS bureau may deny, revoke or refuse to renew a license of an agency, or may impose probationary conditions or fines as a condition of an agency's ability to retain a license in accordance with board rule.

(3) A denial, refusal to renew, suspension, revocation or imposition of probationary conditions upon a license may be ordered by the EMS bureau after opportunity for a hearing in a manner provided by rule established by the board. An application for reinstatement may be filed with the EMS bureau one (1) year from the date of license revocation. In the event a timely application is filed, the EMS bureau shall:

(a) Hold a hearing to consider such reinstatement; and

(b) Accept or reject the application for reinstatement.

SECTION 9. That Section 56-1017, Idaho Code, be, and the same is hereby amended to read as follows:

~~56-1017-23.~~ RULES. (1) The commission is authorized and directed to adopt appropriate rules defining the allowable scope of practice and acts and duties which can be performed by persons certified licensed by the ~~department~~ EMS bureau and the required level of supervision by a licensed physician.

(2) The board ~~of health and welfare~~ is authorized and directed to adopt appropriate rules and standards concerning the administration of sections 56-1011 through 56-1018B22 and this section, Idaho Code, including criteria for training educational programs, certification and licensure of personnel, certification of EMS instructors, licensure of ambulance, air medical and nontransport services, licensure of manufacturing standards for ambulances and nontransport vehicles, criteria for the use of air medical services by certified licensed EMS personnel at emergency scenes, establishment of fees for training, inspections, and certifications licensure, appropriate requirements for recertification renewal of licensure of personnel and equipment agencies and the management of complaints, investigations and certification and license actions against certified licensed EMS personnel and licensed EMS services agencies. The rules of the board ~~of health and welfare~~ must be consistent with the rules adopted by the commission.

(3) Additionally, the department shall develop guidelines, standards and procedures for reducing exposure to pathogens from human blood, tissue or fluids. Such guidelines, standards and procedures shall be made available to all law enforcement personnel, all emergency medical services personnel and agencies, and such other emergency personnel who request such information.